

Remarks

Claims 1 and 9 have been amended by incorporating the limitations of Claims 3 and 11, respectively. Claims 3 and 11 have been canceled. All Claims not canceled have been amended to comport with U.S. practice and to have correct dependencies.

Claims 1, 2, 5, 7-9, 13-16, 20 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kong et al. (U.S. Patent No. 6,218911). Applicants respectfully traverse the rejection.

Claim 1 as amended recites in relevant part: "...wherein the first electrode has a surface area larger than that of the second electrode...". The Examiner in his rejection of now cancelled Claim 3 stated that it would have been obvious to one of ordinary skill in the art to "adjust the surface area of the second electrode in order to adjust the electrostatic force created by the +5 V DC applied to the electrode. Reducing the surface area of the second electrode would result in a lower electrostatic attraction between the second electrode and the moveable member as compared to the first electrode an[d] the moveable member given the same + 5 V DC actuation voltage yielding a weaker closing force and a larger opening force". The Examiner has failed to provide any motivation for one of ordinary skill in the art as to why in the context of the instant invention "a weaker closing force and a larger opening force" is desirable. Indeed, as pointed out in the instant application the motivation for "the first electrode has a surface area larger than that of the second electrode" is that this significantly increases the isolation (see page 2, lines 24-26 of the application as originally filed). Hence, Claim 1 as amended would not have been obvious to one of ordinary skill in the art at the time the invention was made and Claim 1 as amended is allowable. Claims 2, 4-8, 13-21 depend from Claim 1 and are allowable for at least the same reasons as Claim 1 as amended.

Similarly as above, Claim 9 as amended recites in relevant part "...wherein the second electrode is provided with a surface area that is smaller than that of the first electrode...". The Examiner in his rejection of now cancelled Claim 11 stated that it would have been obvious to one of ordinary skill in the art to "adjust the surface area of the second electrode in order to adjust the electrostatic force created by the +5 V DC applied to the electrode. Reducing the surface area of the second electrode would result in a lower

electrostatic attraction between the second electrode and the moveable member as compared to the first electrode an[d] the moveable member given the same + 5 V DC actuation voltage yielding a weaker closing force and a larger opening force". The Examiner has failed to provide any motivation for one of ordinary skill in the art as to why in the context of the instant invention "a weaker closing force and a larger opening force" is desirable. Indeed, as pointed out in the instant application the motivation for "the first electrode has a surface area larger than that of the second electrode" is that this significantly increases the isolation (see page 2, lines 24-26 of the application as originally filed). Hence, Claim 9 as amended would not have been obvious to one of ordinary skill in the art at the time the invention was made and Claim 9 as amended is allowable. Claims 10 and 12 which depend from Claim 9 are allowable for at least the same reasons as Claim 9.

Hence, Applicants submit that Claims 1, 2, 4-8, 13-21 and Claims 9, 10, 12 are allowable and allowance is respectfully requested.

Please direct all correspondence to:

NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

By: J. Krause-Polstorff
Name: J. Krause-Polstorff
Reg. No.: 41,127
408-474-9062

CUSTOMER NO. 65913